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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,143	01/11/2002	Wei Lin	03493.00337	5827

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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/042,143

Applicant(s)

LIN ET AL.

Examiner

Alicia Baturay

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1,3-12,14-23,25-34 and 36-44.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


SALEH NAJIAR
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant Argues: Claims 1, 12, 23 and 34 state "each blocking frame having timing to allow an Inter-Frame Gap (IFG) having a duration of less than 17 μ sec," the applied portions of Yagil neither teach nor enable that limitation.

In Response: The examiner respectfully submits that Yagil teaches each blocking frame (a block of consecutive MAP-granted packets - see Yagil, col. 11, lines 51-67) having timing to allow an Inter-Frame Gap (IFG) having a duration of less than 17 μ sec (each multi-frame preferably begins with a framing time-slot that can include network management and control messages...Bursts of consecutive CBR streams, VBR streams or solicited messages...can have shorter IFG than HomePNA 2.0x e.g., 1 μ s). This renders the rejection proper, and thus the rejection stands.

Applicant Argues: Claims 1, 12, 23 and 34 state "receiving reply message to the transmitted message at the MC STA from the selected non-MC STA when the blocking frames are transmitted"...this applied portion of Yagil does not teach any "reply message" whatsoever, any message from a "non-MC STA," or "receiving a reply message to the transmitted message at the MC STA from the selected non-MC STA when the blocking frames are transmitted."

In Response: The examiner respectfully submits that Yagil teaches receiving reply message (upon receiving of the MAP message, the requesting station transmits the packet during the allocated time-slots - see Yagil, col. 12, lines 65-67) to the transmitted message at the MC STA (network manager - see Yagil, col. 5, lines 57-64) from the selected non-MC STA (HomePN station 300 - see Yagil, col. 5, line 36) when the blocking frames are transmitted (a block of consecutive MAP-granted packets is transmitted - see Yagil, col. 11, lines 51-67). This renders the rejection proper, and thus the rejection stands.

Applicant Argues: The Office Action appears to improperly group claims together in a common rejection without showing that the rejection is equally applicable to all claims in the group. That is never appropriate. For example, independent claim 23 states, "a Media Control Station (MC STA) transmitting a message to at least one selected non-Media Control Station (non-MC STA) during the blocking frames..."

In Response: This limitation is equivalent to "transmitting a message from a Media Control Station (MC STA) (Yagil, Fig. 4, element 404; col. 5, lines 19-33 and col. 10, lines 33-41) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Yagil, Fig. 4, element 300; col. 5, lines 34-46 and col. 11, lines 51-67)" found and detailed in claim 12.

Applicant Argues: The Office Action appears to improperly group claims together in a common rejection without showing that the rejection is equally applicable to all claims in the group. That is never appropriate. For example, independent claim 34 states, "a Media Control Station (MC STA) transmitting a message to at least one selected non-Media Control Station (non-MC STA), the transmitted message being transmitted with a highest physical layer priority level available in each HPNA v2 frame and during the blocking frames..."

In Response: This limitation is equivalent to "transmitting a message from a Media Control Station (MC STA) (Yagil, Fig. 4, element 404; col. 5, lines 19-33 and col. 10, lines 33-41) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Yagil, Fig. 4, element 300; col. 5, lines 34-46 and col. 11, lines 51-67), the transmitted message being transmitted with a highest physical layer priority level available in an HPNA v2 frame (Yagil, col. 10, lines 23-41)" found and detailed in claim 12.

With respect to claims 3-6, 9-11, 14-17, 20-22, 25-28, 31-33, 36-39 and 42-44, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.